

**STATEMENT OF JOHN F. CLARK
DIRECTOR OF THE UNITED STATES MARSHALS SERVICE
BEFORE THE UNITED STATES HOUSE OF REPRESENTATIVES
COMMITTEE ON APPROPRIATIONS
SUBCOMMITTEE ON SCIENCE, STATE, JUSTICE, COMMERCE, AND
RELATED AGENCIES**

MARCH 29, 2006

Chairman Wolf, Congressman Mollohan, and Members of the Subcommittee, I appreciate the opportunity to appear before you today to discuss the President's fiscal year 2007 budget request for the United States Marshals Service.

Since September 11th, the Marshals Service has had an integral role in the nation's efforts to combat terrorism. We were among the first responders at the World Trade Center and the Pentagon on September 11th. Our primary mission is to protect the judicial process, and in doing so, we have taken aggressive measures to protect courthouses and secure courtrooms in order to handle the many high threat trials involving suspected terrorists, violent gang members, and drug traffickers.

Most recently, the Marshals Service sent hundreds of deputies to Alabama, Mississippi, Louisiana, and Texas to assist in rescue, recovery, evacuation, and law enforcement activities in the aftermath of Hurricanes Katrina and Rita. I would like to thank this subcommittee for its support of the Marshals Service and for the supplemental funding we received to repair our courthouses and replace damaged equipment.

FY 2005 Accomplishments

The legal proceedings of Zacarias Moussaoui have been ongoing through all of fiscal year 2005. The USMS has continued to provide security for this high-profile trial. Thankfully, we have been successful in producing the defendant safely and securing the judicial proceedings. On April 22, 2005, Mr. Moussaoui pleaded guilty to all of the charges against him. The trial is now in the penalty phase and we expect this phase to last two to three months.

As the former U.S. Marshal in the Eastern District of Virginia, I can speak firsthand about the planning and resource requirements necessary to prepare for a high threat trial. The Moussaoui case is just one example. Agency-wide, our personnel produced prisoners for 650,000 court proceedings; all without one escape or injury to a judge, witness, or prosecutor. Last year, we investigated over 950 potential threats to federal judges and prosecutors. Our Deputy Marshals provided 200 personnel protective details and another 300 event protective details. All were completed without a single incident of violence.

The increase in gang-related trials also presents many challenges for us. For example, in Santa Ana, California, we are securing the largest capital murder case in U.S.

history. Forty defendants affiliated with the Aryan Brotherhood are on trial for a variety of violent crimes including conspiracy to commit murder and drug trafficking. At least eight gang members face the death penalty. Not only are the defendants part of this gang, but so are the witnesses. At least 12 former gang members are expected to testify.

In addition to the Aryan Brotherhood gang, the Mara Salvatrucha gang, referred to as MS-13, is expanding its influence internationally. Last year in Alexandria, several members of the MS-13 gang were successfully convicted of a brutal murder. That trial included producing participants from the Witness Security Program which required additional security precautions. Providing protection for witnesses who testify against a gang known for its viciousness is a daunting task. I would like to thank this subcommittee for its continued support of the Witness Security Program and for recognizing their role in stopping gang violence.

Outside of the courtroom, the Marshals Service is working diligently to achieve the offsite security initiative funded through the 2005 Emergency Supplemental Appropriations Act for Defense, the Global War on Terror, and Tsunami Relief. We are grateful for the support provided by Congress. The funds will allow the Marshals Service and the Judiciary to install home intrusion detection systems in the homes of federal judges. After planning the implementation of this system, we have hired a contractor to provide and install the systems. The four pilot sites concluded successfully and systems are being ordered and installed throughout the country.

Over four days in August 2005, the Marshals Service conducted a unique fugitive apprehension initiative, Operation Fugitive Safe Surrender, in the Northern District of Ohio. This operation combined the efforts of the Marshals Service, state and local law enforcement, local prosecutors, and community leaders in creating an environment where fugitives were encouraged to surrender under circumstances that guaranteed their safety and the safety of the surrounding community. This innovative, faith-based initiative resulted in the peaceful surrender of 850 fugitives, of which 350 were fugitive felons. Later this year, we will expand this initiative into six cities including: Albuquerque, NM; Camden, NJ; Louisville, KY; Phoenix, AZ; Richmond, VA; and Washington, DC.

The Marshals Service continues to improve strategies used to apprehend fugitives. In April of 2005, the Marshals Service conducted the largest fugitive roundup undertaken by any law enforcement agency in the United States. By working with law enforcement officers from federal, state, county, and city agencies, Operation FALCON (Federal and Local Cops Organized Nationally) apprehended over 10,000 violent fugitives and cleared 14,000 warrants. Agency-wide, our Deputy Marshals apprehended over 77,000 federal fugitives and another 52,000 state and local fugitives.

We have also made a substantial impact on the fugitive workload in Mexico, Jamaica, and the Dominican Republic. The placement of deputy marshals in these foreign field offices led to 673 extraditions in 2005; a record-high number for the Marshals Service. One of these extraditions from last February involved Deputy Marshals working with Mexican authorities on the return to the U.S. of a sex offender

who had kidnapped a 15 year-old girl and taken her to Mexico. Once in Mexico, the offender abused the girl for two weeks before she managed to escape. Criminal acts of this nature must be investigated vigorously and immediately. We thank our Mexican counterparts for their diligence and continued cooperation.

Children's Safety Act

The protection of the nation's children from those who would prey upon them is important to our nation's future. For that reason, I would like to thank you, Mr. Chairman, and other members of this subcommittee for co-sponsoring the Children's Safety Act of 2005 (H.R. 3132). This important piece of legislation would establish a comprehensive national system for the registration of sex offenders. Failure to register would make it a federal crime which in turn would generate additional federal fugitives. We would welcome the opportunity to become involved in this vital effort to keep our children and families safe.

FY 2007 Budget Request

Our fiscal year 2007 budget request addresses the Marshals Service's highest priority needs. In total, we are requesting 66 additional positions and \$13.6 million to address critical needs related to judicial security, information technology, and audited financial statements. We are also proposing \$9.4 million in program offsets.

Judicial Security

Protection of the judicial process – with a heavy emphasis on judicial security – remains the primary mission of the United States Marshals Service. The workload associated with judicial and courthouse security has significantly increased in the last five years due to the nation's heightened awareness of possible threats. The murder of Judge Lefkow's husband and mother in retaliation for her rulings demonstrates why judicial security is vital in maintaining the federal judicial process. To keep pace with a growing workload and to improve judicial security, we are requesting 37 positions and \$4.6 million. The requested resources would allow the Marshals Service to hire 28 additional Deputy Marshals and 9 administrative support staff for district offices, as well as fund the ongoing costs associated with home security system monitoring.

Information Technology

In order to maximize the agency's use of new technologies and strengthen the information technology infrastructure, we are requesting 14 Systems Administrators and \$7.2 million. The Marshals Service has made significant progress in the information technology area but more is needed to successfully accomplish our mission and support departmental and federal initiatives. We will use the requested resources to enhance the Justice Detainee Information System, purchase replacement servers and software, and provide additional systems administrators to district offices. JDIS is a critical law enforcement tool because it marries our judicial threat data with warrant, criminal history,

prisoner scheduling, and booking information into a single database. Our long term goal is to share this information with other agencies, including the federal courts, so we all can take advantage of this law enforcement information. These resources will ensure that the Marshals Service is working not only harder but smarter and taking full advantage of available technologies.

Audited Financial Statements

Finally, we are requesting 15 positions and \$1.8 million to correct material weaknesses and reportable conditions identified in the 2005 financial audit and to address the increased financial oversight and internal control workload associated with the Sarbanes-Oxley Act of 2002. In the 2005 financial audit of the Marshals Service, auditors provided an unqualified opinion on our financial statements; however, they also identified three material weaknesses and one reportable condition. The requested program increase will ensure that the auditors' recommendations are addressed and that we continue to provide appropriate financial oversight, policy compliance, and delivery of timely, accurate and reliable financial statements.

Offsets

In 2006, Congress generously provided resources in addition to our request. Though appreciated, the Marshals Service needs to reduce the levels of these programs by \$9.4 million in fiscal year 2007 to ensure that adequate resources are available for judicial security. The proposed offsets reduce funding for courthouse renovations and fugitive apprehension.

Thank you for the opportunity to present the Marshals Service budget request for fiscal year 2007. We appreciate your ongoing support and hope to prove efficient stewards of the resources entrusted to us. I would be happy to answer any questions you may have at this time.